

## **REMARKS**

### **Election/Restriction**

It is noted that claims 12 and 13 have been withdrawn from further consideration as being drawn to a non-elected species and that applicant timely traversed the election requirement.

### **Drawings**

The drawings were objected to in that the ribs defining the protecting means (claims 6 and 7) were not shown. Claims 6 and 7 and the reference in the specification to "ribs 33 and 35" have been deleted.

### **Declaration Under 37 CFR 1.13**

Applicant has enclosed a declaration under 37 CFR 1.131 swearing back of Galbreath patent '330. The declaration of the inventor is supported by declarations from two co-workers, Anthony G. Lefeber and Carl Eerdmans, who were, at various times, involved in the development of the buckle of the invention. Also enclosed is a declaration of Paul K. Eldredge who is a Product Manager of National Molding Company, a company hired by the inventor's assignee to produce prototype buckles according to the invention.

The declaration of the inventor, Robert J. Beletsky, claims conception before February 12, 1999. In late 1998, the inventor made sketches of buckles according to the invention. These resulted in computer drawings identified as Exhibits A, B, and C all

bearing dates showing that they were approved by the inventor on January 27, 1999. The drawings were also signed as witnessed by Attorney John E. Wagner on February 1, 1999.

The actual drawings of Exhibits A, B, and C were drawn by Carl Eerdmans, whose declaration is enclosed. Mr. Eerdmans also prepared drawings, Exhibits D, E and F, which show continued development work on the buckle leading up to sending drawings, Exhibits E and F, to a molding company for producing a prototype. The drawings, according to the declaration of Paul K. Eldredge, of National Molding Corporation, were received by them in early August 1999. A first prototype, sent to applicant's assignee, Bianchi International, on October 11, 1999, needed some redesign to function. A second prototype sent to Bianchi International on October 26 did function as intended. This prototype appears in the photograph, Exhibit G, and does constitute an actual reduction to practice of the invention.

There were other preproduction buckles produced and some further production changes took place during subsequent months as shown by the time line attached to the declaration of Paul K. Eldredge.

Anthony G. Lefeber, whose declaration is enclosed, also corroborates the history of the development of the buckle of the invention.

From the described declarations and exhibits, it is believed that the evidence clearly shows a conception of the claimed invention prior to the filing date of Galbreath patent No. 6,138,330, together with a diligent pattern of activity toward an actual reduction to practice by October 26, 1999.

### Claim Rejections - 35 U.S.C. §102

Claims 1-4, 10, 11, and 14-17 were rejected under 35 U.S.C. §102(e) as being clearly anticipated by Galbreath '330.

As amended, claim 1 recites "a cantilevered resilient member formed integrally with said buckle part located within the recess of said female part when said buckle is engaged". This recitation essentially includes the subject matter of claim 5, considered to recite allowable subject matter. It is, therefore, believed that claim 1 is allowable along with claims 3, 8, 9, and 10, which are dependent upon claim 1.

Claim 14 has been amended to change some wrong words (end vs. edges, lines 2, 7 and 8) and to include a further limitation of "a cantilevered resilient member located between said prongs." It is believed that the enclosed declarations should "swear back of" clearly removing *Galbreath* as a reference against this claim.

Claim 15 further distinguishes over *Galbreath* in that the male part is defined as including, inter alia, "a cantilevered resilient member located between said prongs". As such, claim 15 contains recitations essentially like those of claim 18 previously considered to include allowable subject matter. Claims 16 and 17, as amended, are dependent upon claim 15 and are believed to be allowable on the same basis.

Claims 1, 10, 14, 15, and 17 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Wu. These claims have all been substantially rewritten or amended to define over Wu as set forth below.

The patent to Wu shows a telescoping-type buckle with a hollow female part having edge openings and a male part having prongs that are inserted into the female part and which include laterally projecting catches that snap into the edge openings to

hold the parts together. The prongs are prevented from unintended release through the use of a rotatable member 6 which carries locking blocks 61, which, in one position, impinge against "latch boards" or prongs 51, thereby blocking inward movement of the prongs. There is nothing shown comparable to applicant's recited "cantilevered resilient member".

All of claims 1, 10, and 14 through 17, as amended, are believed to clearly define over Wu in that, for example, independent claims 1 and 14, recite a "cantilevered resilient member" not present in Wu.

Independent claim 15 recites "a cantilevered tongue located between said prongs" which is not shown in Wu. Claims 16, 17 and 18, dependent upon claim 15, all include this recitation. The cantilevered tongue or cantilevered resilient member constitutes a substantially different way of blocking inward deflection of the prongs as compared with Wu's rotary member 6 and locking blocks 61. All of claims 1, 10 and 14-17 are believed clearly allowable over Wu.

#### Allowable Subject Matter

While it is earnestly contended that applicant has a clearly sworn back of Galbreath '330, applicant has included new claims which are believed to clearly define over both Galbreath and Wu. In the Galbreath buckle, the depressible member 15a or 15b and blocking member 16a or 16b are clearly part of the female socket part 13.

Claim 5, which defined the cantilevered resilient member as being "formed integrally with said male buckle part" and which was previously considered to include allowable subject matter, has been cancelled, its principal recitation now appearing in

amended claim 1, which should still be allowable, as stated above.

New claim 19 is dependent upon claim 14 and is believed to include allowable subject matter in that it recites "said cantilevered resilient member is formed integrally with said male part".

New claims 20 is dependent upon claim 19 and is believed allowable along with claim 19. Thus, it is believed that claims 1, 3, 8, 9, 10, 15-17, and new claims 19 and 20 all clearly define over and are patentable over Galbreath '330 irrespective of whether it is believed that applicant has "'sworn back" of Galbreath '330.

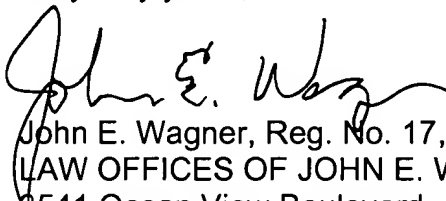
Claim Rejections - 35 U.S.C. §103

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Galbreath in view of French et al. '956. These claims have been cancelled herein.

The cited prior art of record and not relied upon has been reviewed with interest, but it is believed that none of the patents listed anticipate or render the subject matter of applicant's claims obvious.

It is believed that all the claims remaining in the application are now properly allowable and favorable action is requested.

Very truly yours,



John E. Wagner, Reg. No. 17,496  
LAW OFFICES OF JOHN E. WAGNER  
3541 Ocean View Boulevard  
Glendale, CA 91208  
(818) 957-3340

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (amended) A buckle including an auxiliary locking feature comprising:
  - a female buckle part including belt or strap receiving portion, and a body portion defining a recess for receiving a mating portion of a male buckle part and a pair of edge recesses;
  - a male buckle part including a belt or strap receiving portion, and a female buckle engaging part,
    - a cantilevered resilient member formed integrally with said male buckle part located within the recess of said female part when said buckle is engaged;
    - [the body portion of said female buckle part including a pair of edge recesses;]
    - said [the] male buckle engaging part of said female buckle part including a pair of flexible prongs for insertion into the recesses [recess] of said female part and for engaging said female part to secure the buckle parts together;
    - said prongs being accessible through said edge recesses for manually releasing said prongs to allow said male and female buckle [buckles] parts to separate;
    - and
      - a manually controlled button on said resilient member, said resilient member carrying means engaging the prongs of said male buckle part for selectively preventing the flexing of said prongs and release of said buckle parts, wherein said means which normally engage said prongs releases said prongs upon operation of said button.

3. (amended) A buckle in accordance with Claim 1 [2] wherein said female buckle part includes a front wall having an aperture therein and said button is accessible through said aperture.

8. A buckle in accordance with Claim 1 wherein said male buckle part includes a cantilevered tongue located between said prongs and carrying said button [manually controlled means].

9. (amended) A buckle in accordance with Claim 8 wherein said button is [manually controlled means is a button] carried by said cantilevered tongue and operational to deflect said tongue away from said prongs to allow said prongs to flex and to release the buckle parts.

10. (amended) A buckle in accordance with Claim 1 wherein said cantilevered resilient member is [manually controlled means comprises a member] mounted for movement with respect to said prongs to move from a first prong locking position to a second prong unlocking position in response to manual operation of said button [action of the user].

14. (amended) A plastic buckle comprising;

a female part including a belt attachment loop at one end [edge] and a male part receiving opening at the opposite end from said belt attachment loop;

said female part having a front face, a rear face and a pair of edges;

said female part defining a pair of recesses one in each of said edges communicating with said male part receiving opening;

a male part including a belt attachment loop at one end [edge], and a pair of prongs at the opposite end [edge] dimensioned to enter said male part receiving opening in said female part and for engaging said recesses to secure said male and female parts together and to flex under finger pressure to release said male and female parts; and

a cantilevered resilient member located between said prongs;

said buckle further including means carried on said cantilevered resilient member normally engaging said prongs when said prongs are positioned to secure said male and female parts together and for preventing the prongs from releasing said male and female parts; said buckle further including manually operable means for disengaging said prong release preventing means.



15. (amended) A plastic buckle comprising:

a female part including a belt attachment loop, an opening at the opposite end from said belt attachment loop, a front face, a rear face and a pair of edges, each of said edges including a recess communicating with said opening:

a male part including a belt attachment loop and a pair of prongs dimensioned to enter the opening of said female part, each of said pair of prongs including a catch engaging one of said recesses to secure said male and female parts together, [and] said prongs being adapted to flex under finger pressure to disengage said catch from said recesses to release said male and female parts; and a cantilevered tongue located between said prongs;

said buckle further including a member normally engaging said prongs when said prongs are positioned to secure the male and female parts together to prevent said prongs from [form] releasing said male and female parts; and

manually operable means carried on said cantilevered tongue for disengaging said prong engaging member from said prongs.

16. (amended) A buckle in accordance with claim 15 wherein said manually operable means includes a button and said cantilevered tongue carries [resilient means carrying] said button and said member.

36 and 38 of which engage the stops 32 and 34 integral with the release button 30 and the cantilevered tongue 26, of the male part 12.

Note in Fig. 2 that the button 30 is preferably sloped on its upper face and is not in locking engagement with the female part and does not include any mating catch.

In accordance with this invention, whenever the buckle is engaged, the male member 12, including prongs 20 and 22 is inserted into the receptacle R of female member 11 until catches 40 and 42 snap over the mating recess edges of female member 11. At the same time tongue 26 is depressed downwardly or behind the front face of member 11 until it reaches opening 31, when button 30 snaps into opening 31. When catches 40 and 42 are thus engaged the stops 32 and 34 engage bosses 36 and 38 on the male member and the prongs 20 and 22 cannot be depressed to release the buckle until the button 30 is depressed. The depression must be sufficient to move the button 30 and its stops 32 and 34 away from the integral 36 and 38. This will allow the prongs 20 and 22 to move inwardly into the buckle, namely, downward in Fig. 1 for prong 20 and upward in the same figure for prong 22 thereby releasing catches 40 and 42.

This action can easily be accomplished by grasping prongs 20 and 22 with the right hand thumb and a finger and simultaneously applying pressure with the fore finger to depress button 30. The same, of course, can be accomplished using the left-hand. The button 30 and its stops 32-34 cooperate to positively lock prongs 20 and 22 against inward depression.